

PROB 12B  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: DISQUE, Keith

Cr.: 07-597-001  
PACTS Number: 48015

Name of Sentencing Judicial Officer: Honorable Stanley R. Chesler, USDCJ

Date of Original Sentence: 11/29/07

Original Offense: Conspiracy to Possess and Distribute CDS

Original Sentence: 12 months and one day

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/11/08

**PETITIONING THE COURT**

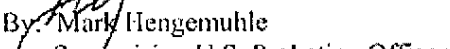
- ☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of up to three months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

**CAUSE**

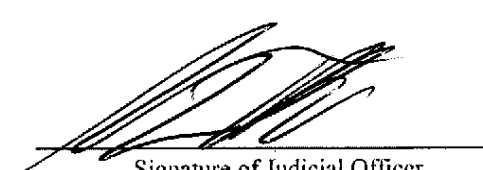
Beginning in or about November 2008, Disque has been abusing heroin, failing to complete scheduled urine collections, and failing to cooperate with his drug treatment program.

Respectfully submitted,

By:   
Mark Hengemuhle  
Supervising U.S. Probation Officer  
Date: 02/12/09

**THE COURT ORDERS:**

- ☒ The Modification of Conditions as Noted Above  
☐ The Extension of Supervision as Noted Above  
☐ No Action  
☐ Other

  
Signature of Judicial Officer

2/17/09  
Date

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

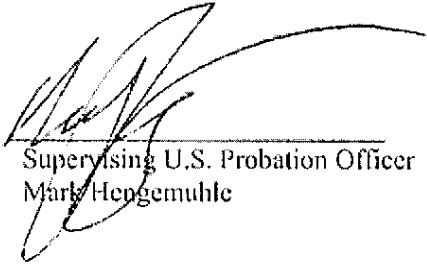
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

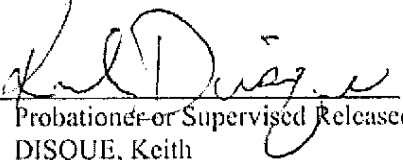
To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of up to three months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

Witness:

  
Supervising U.S. Probation Officer  
Mark Hengemuhle

Signed:

  
Probationer or Supervised Releasee  
DISQUE, Keith

2/12/09  
DATE

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY  
CHIEF PROBATION OFFICER

February 12, 2009

WILFREDO TORRES  
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER  
THOMAS C. MILLER

SUPERVISION UNIT  
20 WASHINGTON PLACE  
6<sup>TH</sup> FLOOR  
NEWARK, NJ 07102-3172  
(973) 645-6161  
FAX: (973) 645-2155

www.njp.uscourts.gov

The Honorable Stanley R. Chesler, U.S.D.J.  
Martin Luther King, Jr. Federal Building  
& U.S. Courthouse  
50 Walnut Street, Room 2564  
P.O. Box 999  
Newark, N.J. 07102-0999

RE: U.S. v. Keith Disque  
Dkt. No. 07-597-001  
Notice of Non-Compliance & Request for a  
Modification of Supervision Conditions

Dear Judge Walls:

On November 29, 2007, Keith Disque was sentenced by Your Honor to 12 months and one day imprisonment to be followed by a three year term of supervised release for his participation in a conspiracy to distribute CDS (Oxycotin.) While on supervised release Disque is required to abide by the special condition of substance abuse treatment with urinalysis. On March 11, 2008, Disque was released from the custody of the Bureau of Prisons and his period of federal supervision commenced.

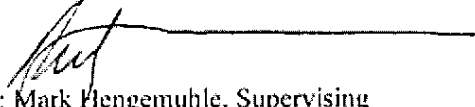
The purpose of this letter is to report Disque's non-compliance with the conditions of his supervision and to request a modification of those conditions. Specifically, the offender has engaged in the chronic use of heroin and failed to comply with drug treatment protocols.

On February 11, 2009, Disque voluntarily entered an inpatient detoxification program and is scheduled to begin a 45 day inpatient treatment program when his detox is complete. Immediately upon his completion of the in-patient component of treatment, we believe it prudent to place him in community confinement for up to three months. This will serve as a sanction for his continued noncompliance and allow us to plan for a long-term recovery program that includes release to an address other than his familial home. As Your Honor may recall, while under pretrial supervision the Court approved two prior inpatient programs. These programs were paid for by our District. The current placement is being funded through other sources.

As indicated by the enclosed Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, Disque has agreed to the modification and has waived his right to a hearing. Therefore, unless Your Honor considers otherwise, we ask that you review the enclosed documents and sign the Probation Form 12B authorizing the modification. If Your Honor requests an alternative course of action, please advise. We will make ourselves available should the Court wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer

  
By: Mark Hengemuhle, Supervising  
U.S. Probation Officer

Enclosure(s)